

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION - CLEVELAND**

CHRISANDRA ALLEN,

CASE NO. 1:08-CV-1716

Plaintiff,

Judge Patricia A. Gaughan

vs.

LVNV FUNDING, LLC and
HSBC NORTH AMERICA, INC.
A.K.A. HSBC BANK USA, NA.,

Defendants.

ANSWER OF LVNV FUNDING, LLC

Defendant LVNV Funding, LLC ("LVNV") as and for its Answer to the Complaint of Chrisandra Allen ("Plaintiff"), in the above-entitled matter, denies each and every allegation contained therein, unless otherwise admitted or qualified herein, and states and alleges as follows:

1. LVNV denies the allegations set forth in numbered paragraph 1 of the Complaint for lack of knowledge or information sufficient to form a belief.
2. LVNV denies the allegations set forth in numbered paragraph 2 of the Complaint.
3. LVNV denies the allegations set forth in numbered paragraph 3 of the Complaint for lack of knowledge or information sufficient to form a belief.
4. In response to numbered paragraph 4 of the Complaint, LVNV denies the alleged wrongdoings set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 4 for lack of knowledge and information sufficient to form a belief.

5. In response to numbered paragraph 5 of the Complaint, LVNV denies the allegations set forth against it as Plaintiff's attorney set a false deadline of 15 days for LVNV to respond to Plaintiff's attorney letter, a deadline not supported by case law or any statute. LVNV denies any remaining allegations set forth in numbered paragraph 5 for lack of knowledge and information sufficient to form a belief.

6. In response to numbered paragraph 6 of the Complaint, LVNV denies the allegations set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 6 for lack of knowledge and information sufficient to form a belief.

7. In response to numbered paragraph 7 of the Complaint, LVNV denies the allegations set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 7 for lack of knowledge and information sufficient to form a belief.

8. In response to numbered paragraph 8 of the Complaint, LVNV adopts by reference paragraph 1 through 7 of this Answer as though fully set forth herein.

9. In response to numbered paragraph 9 of the Complaint, LVNV denies the allegations set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 9 for lack of knowledge and information sufficient to form a belief.

10. In response to numbered paragraph 10 of the Complaint, LVNV denies the allegations set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 10 for lack of knowledge and information sufficient to form a belief.

11. In response to numbered paragraph 11 of the Complaint, LVNV denies the allegations set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 11 for lack of knowledge and information sufficient to form a belief.

12. In response to numbered paragraph 12 of the Complaint, LVNV denies the allegations set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 12 for lack of knowledge and information sufficient to form a belief.

13. In response to numbered paragraph 13 of the Complaint, LVNV adopts by reference paragraph 1 through 12 of this Answer as though fully set forth herein.

14. In response to numbered paragraph 14 of the Complaint, LVNV states that the statute references speaks for itself while denying said paragraph to the extent, if any, that it is inconsistent with or otherwise misconstrues said statute or case law interpreting said statute.

15. In response to numbered paragraph 15 of the Complaint, LVNV denies the allegations set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 15 for lack of knowledge and information sufficient to form a belief.

16. In response to numbered paragraph 16 of the Complaint, LVNV denies the allegations set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 16 for lack of knowledge and information sufficient to form a belief.

17. In response to numbered paragraph 17 of the Complaint, LVNV adopts by reference paragraphs 1 through 16 of this Answer as though fully set forth herein.

18. In response to numbered paragraph 18 of the Complaint, LVNV states that the statute references speaks for itself while denying said paragraph to the extent, if any, that it is inconsistent with or otherwise misconstrues said statute or case law interpreting said statute.

19. LVNV denies the allegations set forth in numbered paragraph 19 of the Complaint.

20. LVNV denies the allegations set forth in numbered paragraph 20 of the Complaint.

21. In response to numbered paragraph 21 of the Complaint, LVNV adopts by reference paragraphs 1 through 20 of this Answer as though fully set forth herein.

22. LVNV denies the allegations set forth in numbered paragraph 22 of the Complaint.

23. LVNV denies the allegations set forth in numbered paragraph 23 of the Complaint for lack of knowledge or information sufficient to form a belief.

24. In response to numbered paragraph 24 of the Complaint, LVNV denies the allegations set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 24 for lack of knowledge and information sufficient to form a belief.

25. In response to numbered paragraph 25 of the Complaint, LVNV adopts by reference paragraphs 1 through 24 of this Answer as though fully set forth herein.

26. LVNV denies the allegations set forth in numbered paragraph 26 of the Complaint for lack of knowledge or information sufficient to form a belief.

27. LVNV denies the allegations set forth in numbered paragraph 27 of the Complaint for lack of knowledge or information sufficient to form a belief.

28. LVNV denies the allegations set forth in numbered paragraph 28 of the Complaint for lack of knowledge or information sufficient to form a belief.

29. In response to numbered paragraph 29 of the Complaint, LVNV adopts by reference paragraphs 1 through 28 of this Answer as though fully set forth herein.

30. LVNV denies the allegations set forth in numbered paragraph 30 of the Complaint for lack of knowledge or information sufficient to form a belief.

31. In response to numbered paragraph 31 of the Complaint, LVNV denies the allegations set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 31 for lack of knowledge and information sufficient to form a belief.

32. In response to numbered paragraph 32 of the Complaint, LVNV denies the allegations set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 32 for lack of knowledge and information sufficient to form a belief.

33. In response to numbered paragraph 33 of the Complaint, LVNV denies the allegations set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 33 for lack of knowledge and information sufficient to form a belief.

34. In response to numbered paragraph 34 of the Complaint, LVNV denies the allegations set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 34 for lack of knowledge and information sufficient to form a belief.

35. In response to numbered paragraph 35 of the Complaint, LVNV denies the allegations set forth against it. LVNV denies any remaining allegations set forth in numbered paragraph 35 for lack of knowledge and information sufficient to form a belief.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Plaintiff fails to state a claim upon which relief may be granted.

SECOND DEFENSE

Any violation of the law or damage suffered by Plaintiff, which LVNV denies, was due to the affirmative actions and/or omissions of Plaintiff or others, and does not give rise to any liability of LVNV.

THIRD DEFENSE

Any violation of the FDCPA, which LVNV denies, was not intentional and resulted, if at all, from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid such errors.

FOURTH DEFENSE

LVNV further asserts the affirmative defenses of release, estoppel, waiver, and unclean hands.

FIFTH DEFENSE

Any violation of the law or damage suffered by Plaintiff, which LVNV denies, was due to the affirmative actions and/or omission of Plaintiff or others, and does not give rise to any claim of damages against LVNV.

SIXTH DEFENSE

Plaintiff has suffered no damages as a result of any acts or omissions of LVNV.

SEVENTH DEFENSE

LVNV reserves the right to seek its reasonable attorneys' fees and costs pursuant to the 15 U.S.C. §§ 1692k(a)(3) and/or ORC 1345.09(F) if the Court deems Plaintiff's action was brought in bad faith and/or for the purpose of harassing LVNV.

EIGHTH DEFENSE

LVNV asserts the affirmative defenses of contributory/comparative negligence.

WHEREFORE, LVNV prays for an order and judgment of this Court in its favor against Plaintiff as follows:

1. Dismissing all causes of action against LVNV with prejudice and on the merits;
- and,

2. Awarding LVNV such other and further relief as the Court deems just and equitable.

DATED this 22nd day of July, 2008.

Respectfully submitted,

Of Counsel:

Cors & Bassett, LLC
537 East Pete Rose Way
Suite 400
Cincinnati, Ohio 45202-3578

s/Jesse R. Lipcius

Kevin R. Feazell (#0059634)
Jesse R. Lipcius (#0078274)
Cors & Bassett, LLC
537 East Pete Rose Way, Suite 400
Cincinnati, OH 45202-3578
513-852-8200 phone
513-852-8222 fax
krf@corsbassett.com
jrl@corsbassett.com

Trial Attorneys for Defendant
LVNV Funding, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of July, 2008, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following:

FOR PLAINTIFF CHRISANDRA ALLEN:

Robert J. Willis
Gene M. Lim
Petronzio Schneier Co., LPA
5001 Mayfield Rd., Ste. 201
Lyndhurst, Ohio 44124
Attorneys for Plaintiff

and

Melissa L. Zujkowski, Esq.
Ulmer Berne LLP
1660 W. 2nd Street, #1100
Cleveland, Ohio 44113-1448
Attorney for HSBC Bank Nevada, N.A.

s/Jesse R. Lipcius

Kevin R. Feazell (#0059634)

Jesse R. Lipcius (#0078274)

Trial Attorneys for Defendant LVNV
Funding, LLC

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